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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,416	02/26/2002	Dwip N. Banerjee	AUS920010867US1	4658
46073	7590	08/28/2006		EXAMINER
IBM CORPORATION (VE)				LIN, KELVIN Y
C/O VOLEL EMILE				
P. O. BOX 162485			ART UNIT	PAPER NUMBER
AUSTIN, TX 78716				2142

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,416	BANERJEE ET AL.	
	Examiner	Art Unit	
	Kelvin Lin	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Arguments

1. Application's argue with respect to claims 1-32 have been considered but they are not persuasive.
2. Applicant is arguing:
 - 1) The combination of Monroe in view of Fukui does not teach dynamically updating DHCP options in claim 1;
 - 2) The combination of Monroe in view of Fukui does not teach periodically updating DHCP options automatically in claim 1.
 - 3) There is no motivation to combine Fukui with Monroe.
 - 4) Oman does not teach a method of load-balancing network data traffic on network resources in claim 5.

As point 1), where the applicant argues Monroe does not teach " a method of **dynamically updating DHCP options**", it has been considered but is not persuasive. At Fig.2, col.3, l. 65-67 – col.4, l.1-7, col. 7, l.1-5 – col. 8, l.1-4, Monroe teaches changing the values of options in the options property page (i.e. configuration file), which is corresponding to the **setting up** the options into a configuration file as recited in claim 1. Therefore, Monroe does teach the limitation of the setting up the options into a configuration file in claim 1. In response to applicant's arguments, the recitation "**dynamically updating DHCP options**" has not been given patentable weight because the recitation occurs in

the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

As to point 2), where the applicant argues Fukui does not teach “periodically updating DHCP options automatically”, it has been considered but is not persuasive. At col.6, l.1-7, Fukui teaches the DHCP database (see col.3, l.3-5, col. 4, l.25-36, the DHCP database includes device address and its corresponding network protocol address, in which device address and protocol address are the options), can be automatically updated on a periodic basis. However, in the applicant's arguments, the recitation of “periodically updating DHCP options automatically”, especially the language “DHCP”, is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to 3), because knowing that Fukui teaches to use automatic configuration system to map a device and IP address within the network (Fukui, Abstract, col.4, l.25-28), and Monroe also teaches the automatically listing IP address in the data field (Monroe, col.6, l.49-59). It would have been obvious to incorporate Fukui's mapping of device and IP address with Monroe's IP address listing.

Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention.

As point 4), where the applicant argues Oman does not teach “a method of **load-balancing network data traffic on network resources**”, it has been considered but is not persuasive. At col.3, l.21-34,col.4, l.11-16, Oman teaches assign the VLAN port address which is corresponding to the setting up at least one option to use at least one of network resources into a configuration file. In response to applicant's arguments, the recitation “**load-balancing network data traffic on network resources**” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 9-12, 17-20, and 25-28 are rejected under 35 USC 103(a) as being unpatentable over Monroe et al., (U.S. Patent. No. 6310632) in view of Fukui et al., (U.S. Pat. No. 6131119).
2. Regarding claim 1, Monroe teaches a method of dynamically updating dynamic host configuration protocol, (DHCP) options stored on a computer system comprising the steps of:
 - setting up the options into a configuration file (Monroe, col.3, l.66-67, col.4, l.1-4) ; and

Although Monroe teaches dynamically updating system, Monroe does not specifically teach the periodically updating the option automatically.

However, Fukui teaches:

- periodically updating the options automatically (Fukui, col.4, l.25-36, col.6, l.1-7, in which the DHCP database can be automatically updated on a periodic basis automatically).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to combine Fukui's periodically automatic configuration system (Fukui, col.4, l.25-34) connected DHCP with Monroe's invention for a DHCP configuration GUI to view or update the DHCP options (Monroe, col. 3, l.66-67, col.4, l.1-2).

The motivation would be for combining Fukui's automatic configuration update system with Monroe's DHCP configuration GUI to implement DHCP option feature will efficiently to monitor the position device and communication from the device (Fukui, Abstract).

3. Regarding claim 2, Monroe further discloses the method of claim 1 wherein the options are passed to a client system requesting an IP address (Monroe, col.9, Table 1-continue, l.35-69, the code corresponds to the sending of options to the client).
4. Regarding claim 3, Monroe further discloses the method of claim 2 wherein one of the options is a router that the requesting client system is to use when communicating on a network (Monroe, fig.3, component 130 the tag router corresponds to the router that the client is to use).
5. Regarding claim 4, Monroe further discloses the method of claim 3 wherein another one of the options is a domain name server that the requesting client system is to use to convert domain names of computer systems into IP addresses (Monroe, fig.3, component 130 the domain name server corresponds to the router that the client is to use).
6. Regarding claims 9-12, which claiming for computer program for DHCP, have similar limitations as claims 1-4. Therefore, claims 9-12 are rejected for the same reasons set forth in the rejection of claims 1-4.

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7. Regarding claims 17-20, which claiming for apparatus for DHCP, have similar limitations as claims 1-4. Therefore, claims 17-20 are rejected for the same reasons set forth in the rejection of claims 1-4.

8. Regarding claims 25-28, which claiming for computer system for DHCP plus one storage device to store code data (Monroe, col.26, l.61-67) have similar limitations as claims 1-4. Therefore, claims 25-28 are rejected for the same reasons set forth in the rejection of claims 1-4.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 5-8, 13-16, 21-24, and 29-32 are rejected under 35 USC 102(e) as being anticipated by Oman A., (U.S. Patent. No. 6832258).

10. Regarding claim 5, Oman further discloses a method of load-balancing network data traffic on network resources comprising the steps of:

- setting up at least one option to use at least one of the network resources

into a configuration file, the configuration file being stored on a computer system (Oman, col.3, 9-10, col.3, I.29-34, the DHCP server for auto-configuration of parameter, is fed with IP address to each FQPN which is a device name connected in the network); and

- periodically updating the at least one option automatically to use another one of the resources (Oman, col.3, I.40-43, adjusts (updates) BGP routes to customer device in real-time (periodically) with respect to DHCP corresponds to the updating the DHCP to another one of the resources).

11. Regarding claim 6, Oman further discloses the method of claim 5 wherein the configuration file is stored on a dynamic host configuration protocol (DHCP) (Oman, col.2, I.6-12, which the parameters including the routing IP address are in the DHCP).
12. Regarding claim 7, Oman further discloses the method of claim 6 wherein the at least one option is a router (Oman, col. 3, I.64-67, the router IP address is one parameter of the DHCP).
13. Regarding claim 8, Oman further discloses the method of claim 6 wherein the method of claim 6 wherein the at least one option is a domain name server used to convert domain names of computer systems into IP addresses (Oman, col.5, I.17-23, the DNS is one parameter of DHCP).
14. Regarding claims 13-16, which claiming for computer program for load-balancing, have similar limitations as claims 5-8. Therefore, claims 13-16 are rejected for the same reasons set forth in the rejection of claims 5-8.

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15. Regarding claims 21-24, which claiming for apparatus for load-balancing, have similar limitations as claims 5-8. Therefore, claims 13-16 are rejected for the same reasons set forth in the rejection of claims 5-8.
16. Regarding claims 29-32, which claiming for apparatus for load-balancing plus storage device to store code data, have similar limitations as claims 5-8. Therefore, claims 13-16 are rejected for the same reasons set forth in the rejection of claims 5-8.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first replay is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTH from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/23/06
KYL



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